

**Annual 47 C.F.R. § 64.2009(e) CPNI Certification**

**EB Docket No. 06-36**

Annual 64.2009(e) CPNI Certification for Year 2010

Date Filed: 02/25/10

Name of Entity Covered by this Certification: Image Access, Inc. dba NewPhone

Form 499 Filer ID: 825108

Name of Signatory: Richard Jaubert

Title of Signatory: Vice President

I, Richard Jaubert, certify that I am an officer of Image Access, Inc. dba NewPhone ("NewPhone"), and acting as an agent of NewPhone, that I have personal knowledge that NewPhone has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See 47 C.F.R. § 64.2001 et seq.*

Attached to this certification is a statement explaining how NewPhone's procedures ensure NewPhone is in compliance with the requirements set forth in sections 64.2001 *et seq.* of the Commission's rules.

NewPhone has not taken any actions (instituted proceedings or filed petitions at either state commissions, courts, or at the FCC) against data brokers in the past year. NewPhone has no information outside of Commission Docket No. 96-115, or that is not otherwise publicly available (*e.g.*, through news media), regarding the processes pretexters are using to attempt to access CPNI. The steps NewPhone has taken to protect CPNI include reviewing its CPNI practices and procedures for effectiveness and conducting employee training designed to ensure compliance with the FCC's modified CPNI rules.

NewPhone has not received any customer complaints in the past year concerning the unauthorized release of CPNI.

Signed



### Customer Proprietary Network Information Certification Statement

NewPhone has established practices and procedures adequate to ensure compliance with section 222 of the Communications Act of 1934, as amended, and the Federal Communications Commission's ("FCC") rules pertaining to customer proprietary network information ("CPNI") set forth in sections 64.2001 – 64.2011 of the Commission's rules. This statement summarizes those practices and procedures, which have been updated so that they are adequate to ensure compliance with the Commission's CPNI rules, as modified by the Commission in 2007.

#### Safeguarding against pretexting

- NewPhone takes reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI, including the authentication of customers prior to disclosing CPNI based on customer-initiated contacts. NewPhone is committed to notify the FCC of any novel or new methods of pretexting it discovers and of any actions it takes against pretexters and data brokers.

#### Training and discipline

- NewPhone trains its supervisory and non-supervisory personnel in an effort to ensure that its employees, in accordance with FCC regulations: (a) understand what CPNI is, (b) join in and carry-out NewPhone's obligation to protect CPNI, (c) understand when they are and when they are not authorized to use or disclose CPNI, and (d) keep records regarding customer complaints regarding CPNI and any breaches.
- NewPhone has an express disciplinary process in place for violation of NewPhone's CPNI practices and procedures. The careless or intentional failure to comply with these practices and procedures may result in disciplinary action, up to and including discharge.
- NewPhone has established a supervisory review process designed to ensure compliance with the FCC's CPNI rules.

#### NewPhone's use of CPNI

- NewPhone uses CPNI in a manner consistent with section 222 of the Act and sections 64.2001 – 64.2011 of the Commission's rules.
- NewPhone does not disclose or permit access to CPNI to track customers that call competing service providers.
- NewPhone discloses and permits access to CPNI where required by law (*e.g.*, under a lawfully issued subpoena).
- NewPhone does not use CPNI for marketing purposes.

#### Additional safeguards

- NewPhone designates one or more officers, as an agent or agents of NewPhone, to sign and file a CPNI compliance certificate on an annual basis. The certificate conforms to the requirements set forth in FCC rule 64.2009(e).

- NewPhone does not provide online access to CPNI.
- NewPhone only discloses call detail information by sending it to the customer's address of record, or by calling the customer at the telephone number of record.
- NewPhone notifies customers immediately of account changes, including changes to address of record.
- In the event of a breach of CPNI, NewPhone has practices and procedures in place to notify law enforcement as soon as practicable and no later than seven (7) business days from discovering the breach. Customers will be notified after the seven (7) day period, unless the relevant investigatory party directs NewPhone to delay notification, or NewPhone and the investigatory party agree to an earlier notification. NewPhone will maintain a record of all CPNI security breaches, including a description of the breach and the CPNI involved, along with notifications sent to law enforcement and affected customers.